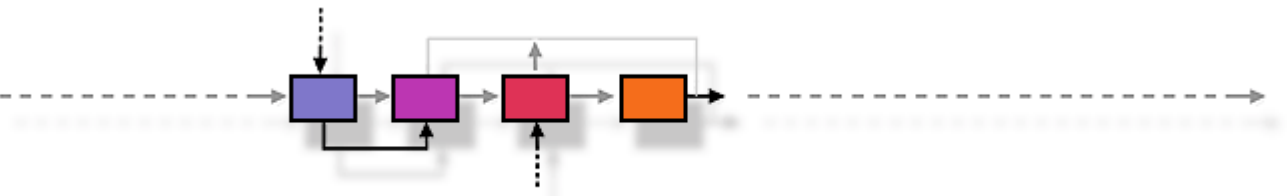




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# JSR 358 Update

August 12, 2014

# IP Working Group meetings (1)



- July 11: further discussion of the UPL. The group decided that we needed to resolve our position on compatibility and open source before continuing this discussion.
- July 18 & 25: discussion of the *Employer Contribution Agreement*. We decided:
  - The ECA should specify that for every JSR a member contributes to (whether or not they are a member of the Expert Group) the member's employer will incur the same obligations and rights as the specified in the current JSPA for those who are members of the Expert Group. The employer would incur no obligations with respect to JSRs that the employee does not participate in.
- Oracle Legal is drafting an agreement for our review.

# IP Working Group meetings (2)



- August 8: discussion on compatibility and open source, in preparation for this meeting.
- See the [JSR 358 Document Archive](#) for meeting minutes.

# Compatibility and open source



# Our high-level goals



- Our high-level goals for JSR 358, as we reported them most recently at the [public EC meeting in December 2013](#), include the following:
  - Maintain compatibility guarantees.
    - All JSRs will be covered by a standard Spec license that includes strong compatibility requirements.
    - All implementations must pass the TCK.
  - Embrace open-source licensing and development processes.
    - Reference Implementations must be developed through open-source projects and released under open-source licenses.

# Tensions (1)



- There is a fundamental tension between these goals, which cannot be (completely) reconciled.
  - Open-source licenses, by definition, cannot restrict what licensees may do with the licensed code.
  - Licensees are therefore free to create incompatible derivatives of open-sourced RIs.
- These tensions exist today.
  - Most RIs not led by Oracle are licensed under Apache.
  - Oracle licenses the Java SE and Java EE platforms under GPL.

# Tensions (2)



- Despite these tensions our current licensing model is reasonably successful at maintaining compatibility.
  - We should not eliminate the compatibility requirements from existing licenses.
- However, we should not create a new "open-source" license such as the UPL and attach compatibility requirements to it.
  - That would render it "not open-source".

# The IP Working Group agreed



- Compatibility is important, and the Spec License and the TCK process are the mechanisms we should use to encourage/enforce compatibility.
- RIs should be distributed under open-source licenses.
- Open-source licenses cannot impose compatibility requirements. Consequently, people will be free to create incompatible derivatives of open-sourced RIs.
- If we create a new RI license (UPL, for example) we should not try to incorporate compatibility requirements into it.
- We want an incentive for people who create implementations based on open-sourced RIs to voluntarily comply with the compatibility requirements in the Spec License.



# An alternative suggestion



- If the open-source license we adopt for RIs contains any ambiguity about the extent of the patent rights it grants, then implementers would have an incentive to pass the TCK in order to explicitly gain all the rights they need, which would be granted to them via the Spec License.
- MIT or BSD?
- Oracle Legal is discussing this idea.

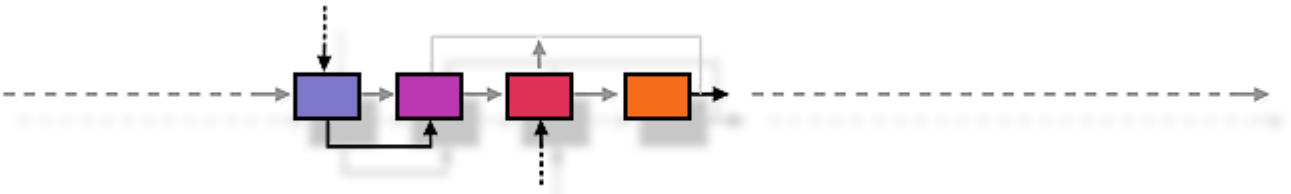
# Next IP Working Group meeting



- Friday September 5: 11:00 am PDT.



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Thank You!

<http://jcp.org>